



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200275601

Date: August 3, 2005

Comments Due: August 24, 2005

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a request from Cornerstone Holdings LLC to modify Department of the Army Permit No. 200275601 issued to Rendezvous Colorado LLC in June 2004 for the West Mountain project. The permit authorization was subsequently transferred to Cornerstone Holdings LLC. The permittee is requesting to increase the permanent project impacts to wetlands from 3.208 acres to 4.092 acres. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This modification request is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States.

APPLICANT: Jack Bestall, Cornerstone Holdings, LLC, Post Office Box 30, Winter Park, Colorado 80482, telephone 970-726-8600.

LOCATION: The project site is located in Fraser and Winter Park in Sections 20, 28, 29, 30, 31, and 32, Township 1 South, Range 75 West, Grand County, Colorado, and can be seen on the Fraser USGS Topographic Quadrangle.

PROJECT DESCRIPTION: The permittee requests to modify Department of the Army Permit No. 200275601 to discharge an additional 27,500 cubic yards of clean fill material in waters of the United States for road construction. This would increase impacts to waters of the U.S. from 3.208 to 4.092 acres. The permittee also requests to increase temporary impacts to waters from 1.694 to 2.094 acres for installation of utilities. (Note: The public notice for the currently authorized project is available on the Corps website under Archived Public Notices, 2003. The original public notice 200275601 expired in March 2003).

The modification request proposes relocation of the East Fork of Elk Creek to the east. This would increase commercial development opportunities in the 4W pod. The permittee states that this modification will assist in the development of the first affordable units at Elk Creek, an integrated market-priced and affordable housing neighborhood.

The permittee proposes to relocate 31 acres of the planned golf course from Cozens Meadow. No change was requested to the General or Special Conditions of the current authorization. However, if the requested modification is approved, additional permit conditions may occur.

Alternatives. The Corps of Engineers conducted an alternative analysis per the requirements of the 404(b)(1) Guidelines prior to issuing the current permit. The permittee has not provided additional information concerning project alternatives related to the modification request. Without approval of this permit modification, the permittee is authorized to discharge approximately 25,520 cubic yards of clean fill material in 3.208 acres of waters of the United States (3.196 acres of wetland and 0.012 acres of waters) for road construction and to temporary impact 1.694 acres of wetlands for the installation of utility line construction.

Mitigation. The current Department of the Army permit requires that the permittee construct 4.392 acres of wetland meadow within the on-site preserve (a ratio of 1:1.37). With approval of the proposed modification, the permittee would be required to increase the compensatory mitigation accordingly.

OTHER GOVERNMENTAL AUTHORIZATIONS: Modification to the current Colorado Division of Water Quality Section 401 Water Quality certification may be required. The applicant did not indicate whether a modification request has been submitted to the state.

HISTORIC PROPERTIES: The proposed project modification will not affect any cultural resources.

ENDANGERED SPECIES: The project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

The above determinations are based on information provided by the applicant and our analysis of the original application prior to the issuance of Department of the Army Permit No. 200275601 in June 2004 for Rendezvous Colorado's West Mountain project.

EVALUATION FACTORS: The decision whether to modify this permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200275601, must be submitted to the office listed below on or before **August 24, 2005**:

Anthony C. Curtis, Project Manager
US Army Corps of Engineers, Sacramento District
Frisco Regulatory Office
301 West Main Street, Suite 202
Post Office Box 607
Frisco, Colorado 80443-0607
Email: Anthony.C.Curtis@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Anthony C. Curtis, 970-668-9676, Anthony.C.Curtis@usace.army.mil.

Attachments: 2 drawings (project as permitted and requested modification)